

ANSON W. GILLETT.

JANUARY 19, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

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MR. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany H. R. 5265.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5265) for the relief of Anson W. Gillett, having had the same under consideration, submits the following report thereon:

It is shown by the records of the War Department that Henry W. Edwards, aged 16 years, was enrolled September 9, 1861, and mustered into service October 31, 1861, to date September 10, 1861, as a musician in Company G, Fifty-ninth New York Infantry Volunteers, to serve three years; that he served faithfully until September 6, 1862, when he is reported "deserted;" that no record has been found showing that he returned to his company and regiment, although his term of enlistment did not expire until September 6, 1864; that it is also shown that under the name of W. H. Gillett he was enrolled June 18, 1863, and mustered into service June 24, 1863, as a private in Company K, Thirty-seventh New York State Militia, to serve thirty days, and was mustered out of the service and honorably discharged as of that company July 22, 1863, and that such enlistment in the last-named organization was in violation of the twenty-second (now fiftieth) article of war; that in an application for removal of the charge of desertion this man testified August 23, 1888, that his captain gave him permission to go home; that he afterwards enlisted in Company K, Thirty-seventh New York Militia, for thirty days, and as a landsman in the United States Navy; that the application for relief was denied October 3, 1888, the case not having been covered by the act of Congress approved July 5, 1884, the soldier's absence from the service in a state of desertion having exceeded four months; that the same reason precluded relief under the act approved March 2, 1889.

In a letter dated May 15, 1896, from Rear-Admiral Francis M. Ramsay, Chief of Bureau of Navigation, United States Navy, it is stated that one Anson W. Gillett enlisted in the Navy at New York November 5, 1863, served on board of the *North Carolina* and *Dawn*, and was discharged January 16, 1865.

In an affidavit made April 7, 1896, the soldier states that at the time of his enlistment he ran away from home in New York City and enlisted under the assumed name of Henry W. Edwards in the organization above mentioned; that after serving one year, the regiment being near Washington, and being sick, his captain, Gould J. Jennings, gave him money and sent him home.

In another affidavit, made May 11, 1896, he states that his sickness was dysentery and fever; that the captain called him in his tent and gave him \$4, being half of all he had, and also gave him a pass and told him to go to Washington and go home, no other person being present. In the affidavits he states that he did not think or know of the serious consequences of the act, being only 16 years of age and a drummer in the company; that the captain always kept him with him, sleeping and eating in his tent, and taking fatherly interest in him; that Captain Jennings was killed at Antietam.

The soldier further states that when he got to Washington he found he had not enough money to get home, and that he wrote his mother to send him some more; that such letter was sent to Hon. William E. Fuller, with other proofs, during the Fiftieth Congress, in support of a bill introduced in the soldier's behalf; that such letter gave an account of his sickness, and the same, with the other papers sent Mr. Fuller, have been lost. He further deposes as to his second enlistment in the New York State Militia, and also his enlistment in the Navy, as shown by the records above mentioned. He also states that when he went home he was slightly convalescent from a long sickness of dysentery and malarial fever, and that he left by the advice and sanction of his captain.

In affidavits made on April 7 and May 11, 1896, Mrs. Hattie L. Price states that she is a sister of the soldier; that in 1862 they resided at the home of their parents in New York City, and in the fall of that year the soldier came to their home sick, emaciated, and weak in mind and body from long illness incurred while he was in the service of the United States in the war of the rebellion; that he was then a boy 16 or 17 years of age, having enlisted but a year prior thereto, and also that the soldier's statement is true as far as the letter written home is concerned.

In an affidavit, made on the 21st day of April, 1896, James G. Johnston, pastor of Grace M. E. Church, Port Richmond, N. Y., states that he has been acquainted with Anson W. Gillett since early boyhood, and was a member of his father's household from 1860 to 1866; that in September, 1861, the soldier ran away from home and enlisted in Company G, Fifty-ninth New York Volunteers, under the name of Henry W. Edwards; that having served about a year he returned home very sick, stating that the captain, G. J. Jennings, gave him the money and sent him home. The affiant is also positive that the soldier again enlisted and served in the Thirty-seventh New York State Militia, and also a short time in the United States Navy.

In view of the fact that the statements of the soldier with reference to his enlistments and service are corroborated by the records, and also that the fact of his poor condition of health on his return home is corroborated by the affidavits of his sister and the Rev. Mr. Johnston, and also the frank statement of the soldier with reference to the manner in which he left his company to go home, and his inability to obtain corroborative evidence of the circumstances surrounding that event owing to the death of Captain Jennings, and the soldier being but 17 years of age at the time he is stated to have deserted, your committee feels justified in accepting the statement of the soldier that he was convalescent from a long period of illness and went home by advice of his captain and under the circumstances related in his affidavit, and therefore recommends that the bill do pass.